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6 SYNGENTA CROP PROTECTION, INC.

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 VALENT U.S.A. CORPORATION AND  
SUMITOMO CHEMICAL CO., LTD.,

12 Plaintiffs,

13 v.

14 SYNGENTA CROP PROTECTION, INC.,

15 Defendant.  
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CASE NO. 08-cv-0720 VRW

**RE-NOTICE OF  
SYNGENTA'S MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

Hearing Date: June 5, 2008

Hearing Time: 2:30 p.m.

Courtroom No. 6, 17<sup>th</sup> Floor

**NOTICE OF MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE that, on June 5, 2008, at 2:30 PM or as soon thereafter as counsel may be heard, Defendant Syngenta Crop Protection, Inc. ("Syngenta") will and hereby does move that the Court, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), dismiss the complaint filed by plaintiffs Valent U.S.A. Corporation ("Valent") and Sumitomo Chemical Co. Ltd. ("Sumitomo") (collectively "Plaintiffs") for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted. In the alternative, Syngenta respectfully requests that this Court dismiss this action under its discretionary authority to decline adjudication of declaratory judgment ("DJ") actions.

This motion is based on this Notice of Motion and the Memorandum of Points and Authorities and the Supporting Declaration of Erik R. Puknys filed March 14, 2008.

DATED: March 24, 2008

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

By \_\_\_\_\_ / s /  
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Syngenta Crop Protection, Inc.

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13 VALENT U.S.A. CORPORATION AND  
14 SUMITOMO CHEMICAL CO., LTD.,

15 Plaintiff,

16 v.

17 SYNGENTA CROP PROTECTION, INC.,

18 Defendants.

CASE NO. 08-cv-0720 VRW

**[PROPOSED] ORDER GRANTING  
SYNGENTA'S MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

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20 The Court having considered Defendant's Motion to Dismiss Plaintiffs' Complaint,  
21 IT IS HEREBY ORDERED that the Motion is GRANTED.  
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24 Dated: \_\_\_\_\_, 2008

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25 Vaughn R. Walker  
United States District Court Judge  
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